

## REMARKS

The present invention is a method of providing a skin for a user interface of a mobile communication device, a mobile communication device, a server for providing a skin for the user interface of a mobile communication device and a user interface for representing a skin on a display of a digital device. The method of providing the skin file for a variable user interface of a mobile device in accordance with an embodiment of the invention comprises in the wireless communication network providing a data file 21 including information defining characteristics of the skin for the user interface and providing a markup language style sheet 23 describing a manner in which data is to be displayed on a display of the mobile communication device; obtaining a skin file 24 by transforming the data file into a markup language document according to the markup language style sheets; and providing the markup language document to an interface user application 10 to cause display of the data on the display in accordance with the variable user interface. The skin is varied by the network with the server 20 to reflect the type of mobile device in the skin which permits the network to be the central source of interface skins for diverse types of mobile devices. See paragraph [0040] of the Substitute Specification for a discussion of the use of the server 20 in forming a skin dependent upon the "type of the mobile phone or mobile communication device.

Claims 16 stand objected to and claims 11-34 stand rejected on the grounds of indefiniteness. Claim 11 and claim 16 have been amended to overcome the stated grounds of rejection and objection respectively. With respect to claim 34 the Examiner has concluded that "Bluetooth" is a

tradename or trademark. The Examiner is mistaken his conclusion that Bluetooth is a proprietary name. It is used in the industry to denote a low power wireless communications technique at 2.4 Megahertz.

Claims 1-2, 4-9, 11-14, 17, 19-20, 22-24, 27-30, 31 and 33-37 stand rejected under 35 U.S.C. §103 as being unpatentable under United Patent 6,091,411 (Straub) and United States Patent 6,650,889 (Evans et al.). This final rejection is traversed for the following reasons.

Claim 1 defines method of providing a skin from a wireless communication network for a user interface of a mobile communication device for operating in the wireless communication network with the user interface being variable to vary display of data on a display of the mobile communication device; claim 13 defines a mobile communication device for operation in the wireless communication network with the wireless communication network providing a data file including information defining characteristics of a skin for a user interface of the mobile communication device based on characteristics of the mobile communication device and providing a markup language sheet describing a manner in which data is to be displayed on the display of the mobile communication device and transforming the data file into a markup language document according to the markup language style sheet in dependence upon the characteristics of the mobile communications device; and claim 36 defines a server for providing a skin file for a variable user interface of a mobile communication device which is not taught by the proposed combination of Straub et al. and Evans et al.

Straub et al. describe a processor 20 which locally stores one or more groups of multi-media resources which are referred to as "themes". See

column 6, lines 41-54. Each theme 64 is used to enhance the graphics of user interface 60 of the computer operating system of the computer 20 with multiple themes being stored locally with generally only one theme being selected at a time. See column 6, lines 55-67 through column 7, lines 1-15. As may be seen from Fig. 2, the theme server 70 utilizes a group of resources 72 to periodically update the local theme resources 64. This architecture is a different architecture than set forth in the claims.

The claimed invention provides a markup language document to the mobile communications device which is disclosed as being provided by a server 20 as illustrated in Fig. 5 of the present application. The wireless communication network is claimed as providing a data file including information defining characteristics of a skin for the user interface based upon characteristics of the mobile communications device and provides a markup language style sheet describing a manner in which data is to be displayed on the display of the mobile communication device. The data file provided by the network server is transformed into a markup language document according to the markup language style sheet in dependence upon the characteristics of the mobile communication device. It is seen that the claimed invention is uniquely suited to permit variation of user interfaces of diverse types of mobile communication devices by the downloading skins which are processed by the network to produce a markup language document which is provided to a user interface application to cause a display of data on the display in accordance with the variable user interface.

Straub et al's approach is fundamentally different in that their "themes" are stored locally and processed by the user device processor 20 to

provide the interface without resort to the claimed functions of the wireless communication network or server.

Evans et al. has been cited as teaching a communication device with browser application which enables the skin selection with the Examiner citing column 11, lines 8-14. It appears that the Examiner has made a typographically error in the statement of the rejection in that the Examiner should of stated that Straub differs from the claims and that Straub et al. do not teach that the communication device is a mobile device. However, Straub et al., as cited by the Examiner, does not suggest to a person of ordinary skill in the art the interaction between a wireless communication network or server and the mobile communication device in which the network provides a data file including information defining characteristics of the skin for the user interface based upon characteristics of the mobile communication device and provides a markup language style sheet describing a manner in which data is to be displayed on the display of the mobile communication device followed by transforming the data file into a markup language document according to the markup language style sheet in dependence upon the characteristics of the mobile communication device. While the referenced portion of Evans et al. does refer to "themes", the generation of the themes, which it is believed that the Examiner is correlating to a skin in a mobile communication device, does not suggest the interaction of the network as recited in the independent claims.

The dependent claims define further aspects of the present invention are not rendered obvious by the proposed combination of Straub et al. and Evans et al.

Claim 34 stands rejected under 35 U.S.C. §103 as being unpatentable over Straub in view of Evans and in view of United States Patent 6,718,182 (Kung). Kung has been cited as teaching a mobile device which uses Bluetooth. The citation of Kung does not cure deficiencies as noted above with respect to the combination of Straub et al. and Evans et al.

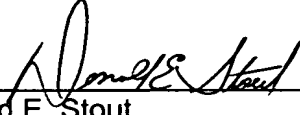
Claims 3, 18, 21, 25-26 and 32 stand rejected under 35 U.S.C. §103 as being unpatentable over Straub, Evans, and EP 0715246 (Stefik et al.). The Examiner cites Stefik et al. as teaching the system for controlling distribution and use of composite digital works which comprises preventing unauthorized copying of materials with the Examiner citing page 2, lines 21-24. While Stefik does disclose a mechanism to lessen unaccounted distribution to prevent unauthorized copying and transmission, it is submitted that such disclosure would not motivate of person ordinary skill in the art to prevent the unauthorized copying of data files used to create user interfaces as recited in the rejected claims.

In view of the foregoing amendments and remarks it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to

Deposit Account No. 01-2135 (Case No. 0171.40089X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Donald E. Stout", is written over a horizontal line.

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Attachments